

Attorney Docket No. S2029/20001
Customer No. 03000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant : Timothy B. Sheridan
Serial No. : 09/783,811
Confirmation No. : 3422
Filed : February 15, 2001
For : SMOKELESS PIPE
Group : 1731
Examiner : Carlos N. Lopez

RECEIVED
MAY 11 2005
OFFICE OF PETITIONS

PETITION FOR REVIVAL OF PATENT APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 CFR §1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to timely pay the issue fee and submit formal drawings.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. **Petition Fee**

Applicant hereby authorizes the payment of the petition fee under 37 CFR §1.17(m) in the amount of \$750.00 (Seven Hundred Fifty dollars) to Deposit Account No. 03-0075.

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2. **Reply**

Applicant has attached herewith, as Exhibit A, the executed Part B-Fee(s) Transmittal form of PTOL-85 form (Issue Fee Payment) that authorizes payment of the issue fee.

Applicant has also attached herewith, as Exhibit B, ten sheets of formal drawings along with a cover letter entitled "Submission of Formal Drawings".

3. **No Terminal Disclaimer**

Because this utility application was filed after June 8, 1995, no terminal disclaimer is required.

4. **Statement**

The entire delay in paying the issue fee and filing the formal drawings from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional.

A Notice of Abandonment was mailed from the PTO on March 5, 2003 wherein the PTO stated that the above-captioned application went abandoned due to Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. Several attempts by the undersigned counsel to reach the Applicant prior to issuance of the Notice of Abandonment were unsuccessful.

A Declaration of Applicant, Timothy B. Sheridan in Support of Petition For Revival of Patent Application Abandoned Unintentionally under 37 CFR §1.137(b) ("Sheridan Declaration") is being filed herewith. According to the Declaration, the Applicant, Timothy B. Sheridan has at least since 2002 suffered from mental illness which has rendered him incapable of making rational and informed decisions regarding his personal affairs including the prosecution of his above-captioned patent application. (Sheridan Declaration, ¶¶ 1-3.) Limited documentation confirming Applicant's

mental illness during this time period is attached to his Declaration as Exhibits A and B. The Applicant has been involuntarily committed to hospitals and mental institutions for treatment of his mental illness on at least six occasions since 2002. (Sheridan Declaration, ¶ 5.) During his hospitalizations, he has received medical treatment which has enabled him to temporarily regain his ability to make rational and informed decisions. *Id.*

On August 12, 2003, after several unsuccessful attempts to reach the Applicant by mail and telephone, the undersigned counsel contacted the Applicant by telephone and informed him that the above-captioned application was abandoned. In response, the Applicant informed the undersigned counsel that he had no further interest in pursuing the application and instructed the undersigned counsel to do no further work on this case. (Sheridan Declaration, ¶ 8.) At the time the undersigned counsel received these instructions, the Applicant was not hospitalized nor was he under the care of a medical professional for treating his mental illness. *Id.*

The Applicant is presently hospitalized at Norristown State Hospital in Norristown, Pennsylvania where he is receiving medical treatment which has enabled him regain his ability to make rational and informed decisions. (Sheridan Declaration, ¶ 9.) It is the Applicant's belief that at the time he instructed his counsel to do no further work in connection with this application, he was incapable of making a rational and informed decision. *Id.* The Applicant did not intend to allow his patent application to become or remain abandoned. *Id.*

In view of the foregoing, it is submitted that the entire delay in paying the issue fee and filing the formal drawings from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional.

For the foregoing reasons, the undersigned counsel respectfully requests that this Petition for Revival be granted.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

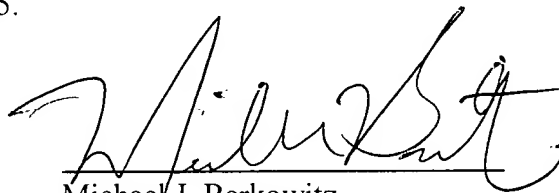
Date: 5/5/05

By 

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CERTIFICATE OF MAILING

I hereby certify that the foregoing PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR §1.137(b) and an accompanying DECLARATION OF APPLICANT, TIMOTHY B. SHERIDAN in support of the Petition are being deposited with the United States Postal Services as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 5TH day of May, 2005.



Michael J. Berkowitz